

**Senate File 413 - Introduced**

SENATE FILE 413  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1010)

**A BILL FOR**

1 An Act relating to statute-of-repose periods for improvements  
2 to real property and including applicability provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 614.1, subsection 11, Code 2017, is  
2 amended to read as follows:

3 11. *Improvements to real property.*

4 a. In addition to limitations contained elsewhere in this  
5 section, an action arising out of the unsafe or defective  
6 condition of an improvement to real property based on tort  
7 and implied warranty and for contribution and indemnity, and  
8 founded on injury to property, real or personal, or injury to  
9 the person or wrongful death, shall not be brought more than  
10 ~~fifteen~~ the number of years specified below after the date on  
11 which occurred the act or omission of the defendant alleged in  
12 the action to have been the cause of the injury or death-:

13 (1) For an action arising from or related to a nuclear  
14 power plant licensed by the United States nuclear regulatory  
15 commission or an interstate pipeline licensed by the federal  
16 energy regulatory commission, fifteen years.

17 (2) For an action arising from or related to residential  
18 construction, as defined in section 572.1, ten years.

19 (3) For an action arising from or related to any other kind  
20 of improvement to real property, eight years.

21 b. Notwithstanding subsection "a", an action arising from or  
22 related to the intentional misconduct or fraudulent concealment  
23 of an unsafe or defective condition of an improvement to real  
24 property shall not be brought more than fifteen years after the  
25 date on which occurred the act or omission of the defendant  
26 alleged in the action to have been the cause of the injury or  
27 death.

28 c. If the unsafe or defective condition is discovered within  
29 one year prior to the expiration of the applicable period of  
30 repose, the period of repose shall be extended one year.

31 d. ~~However, this~~ This subsection does not bar an action  
32 against a person solely in the person's capacity as an owner,  
33 occupant, or operator of an improvement to real property.

34 Sec. 2. APPLICABILITY. This Act does not apply to an  
35 improvement to real property in existence prior to the

1 effective date of this Act.

2 EXPLANATION

3 The inclusion of this explanation does not constitute agreement with  
4 the explanation's substance by the members of the general assembly.

5 This bill relates to the statute-of-repose period in a  
6 case arising out of the unsafe or defective condition of an  
7 improvement to real property. A statute-of-repose period  
8 differs from a statute-of-limitations period in that a statute  
9 of repose establishes a time period after which a lawsuit based  
10 upon negligence in an improvement to real property cannot  
11 be filed regardless of whether an injury to a person or to  
12 property has occurred. A statute-of-limitations period begins  
13 at the date of the injury or upon discovery of the deficiency.

14 Under current law, a case arising out of the unsafe or  
15 defective condition of an improvement to real property is  
16 subject to a 15-year statute of repose. Such cases are  
17 based upon an injury to property or an injury or death of  
18 a person. The bill provides that for actions arising from  
19 or related to a nuclear power plant or interstate pipeline,  
20 the period remains 15 years. For actions arising from or  
21 related to the construction on single-family or two-family  
22 dwellings occupied or used, or intended to be occupied or used,  
23 primarily for residential purposes, the period is reduced to  
24 10 years. For actions arising from or related to any other  
25 kind of improvement to real property, the period is reduced to  
26 eight years. However, for actions arising from or related to  
27 intentional misconduct or fraudulent concealment, the period  
28 for the statute of repose is 15 years, regardless of the type  
29 of real property.

30 The bill also provides that if the unsafe or defective  
31 condition is discovered within the final year prior to the  
32 expiration of the applicable period of repose, the period is  
33 extended for an additional year.

34 The bill does not reduce the statute of repose for real  
35 property improvements in existence prior to the effective date

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1 of the bill.